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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,485	11/13/2003	Kwang Nam Kim	04085-P0001A	8332
24126	7590	01/10/2005	EXAMINER	
ST. ONGE STEWARD JOHNSTON & REENS, LLC 986 BEDFORD STREET STAMFORD, CT 06905-5619			DANG, HUNG XUAN	
		ART UNIT	PAPER NUMBER	
		2873		

DATE MAILED: 01/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/712,485	KIM, KWANG NAM	
	<b>Examiner</b> Hung X Dang	<b>Art Unit</b> 2873	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 10 August 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-6 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date: _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date: _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

1. The amendment filed on 8/10/04 has been entered.

### **Claims Rejection Under 35 USC - 102**

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by **Friedman (6,234,628)**.

Friedman discloses enclosed spring bridge mechanism for clip-on sunglasses which comprises a pair of lens frames (18, 20) with corresponding colored lenses (22, 24) fitted therein; prongs (26, 28, 30, 32) formed at the outside of each frame, the prongs being vertically spaced apart from each other such that the prongs are fitted around a corresponding frame of the spectacles; bridge elements (34, 36) joined to the tops of the frames and the tops of the frames, respectively, so that the bridge elements are connected between the frames, and a length adjusting device (38) mounted between bridge elements for adjusting the length of the bridge elements, extended from wherein the length adjusting device comprises: a cylindrical housing (40) with a length sufficient for the sunshade clip to be easily engaged with the frames of the spectacles from the outsides of the t the spectacles, the housing having an inner wall formed longitudinally therein; caps (42, 44') attached to both sides of the housing, respectively,

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each of the caps having a through-hole for allowing the corresponding bridge element to move in and out therethrough, stoppers (46 see fig. 3) formed at the end of the bridge elements, respectively, the ends of the stoppers being placed inside the housing, and coil springs (53, 54) disposed between the stoppers and the caps, respectively, for forcing the bridge elements towards each other, the inner wall (45) of the housing and the stoppers (52, 56) together forming rotation preventing units (the protrusions of the stoppers (52,56) being cooperate with slots 48 and 49 of the inner wall having for preventing rotation of the bridge elements) preventing rotation of the bridge elements respectively, when the bridge elements are moved. (see figures 1, 3, 7, 8 and the related disclosure.)

#### **Response To Applicant's Argument**

3. Applicant's arguments filed 8/10/04 have been fully considered but they are not persuasive.

Applicant's argued that "As amended independent claim 1 specifically recites, claims 1-3 of the invention each require among other limitations: that the housing of the length adjusting device has a closed inner wall formed in a longitudinal direction for preventing penetration of foreign matters through the inner wall; that the stoppers is placed inside the closed inner wall of the housing; and that the inner wall of the housing and the stoppers have the same cross section allowing a longitudinal movement of the stoppers within the housing and together forming rotation preventing units for preventing rotation of the bridge elements. Applicant respectfully submits that Friedman (U.S.

Patent No. 6,234,628) fails to disclose or teach each and every element or limitation of claims 1-3 as amended." This argument is not persuasive because figure 3 of Friedman (6,234,628) shows the caps (42, 44) attached to both sides of the housing so that the housing of the length adjusting device has a closed inner wall formed in a longitudinal direction for preventing penetration of foreign matters through the inner wall and the stoppers (52, 56) and the inner wall (45) of the housing and the stoppers (52, 56) having the same cross section allowing a longitudinal movement of the stoppers within the housing and together forming rotation preventing units for preventing rotation of the bridge elements. Therefore the claimed invention does not distinguish over the Friedman (6,234,628).

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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4. Any inquiry concerning this communication should be directed to Examiner Dang at telephone number (571) 272-2326.

1/05



HUNG DANG

PRIMARY EXAMINER

TC 2800